THE HON'BLE SRI JUSTICE C.V. RAMULU

11th July, 2006

W.P.No.2263 of 2003

Between:

M. Balkishan … Petitioner

and

BHEL Anusandhan Vikas Employees
Mutually Aided Cooperative Housing
Society Limited, having its Registered
Office at Vikasnagar, Hyderabad-93,
Represented by its Secretary … Respondent

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ORDER:

Since the petitioner has not questioned the registered bye-laws of the Society, even a member of the Society, at this length of time, cannot make a challenge as to categorization of houses and allotment of plots basing on the choice of the members. Admittedly, the choice was given on the basis of the seniority in each category i.e. on the basis of the bye-laws of the society. Therefore, such a plea raised by the petitioner cannot be entertained either in the O.P. filed under Section 37(1) of the A.P. Mutually Aided Cooperative Societies Act,1995 or in this Writ Petition. However, since something common i.e. as to the seniority of the membership of the petitioner and also payment of interest by him was challenged in W.P.No.1571 of 2003, which was allowed on 22-6-2006, this Writ Petition also deserves to be remanded to the Cooperative Tribunal, Hyderabad for a detailed consideration on the aspect of seniority of the petitioner as a member in a particular category to which he has applied for and the liability of payment of interest in his case on the facts and circumstances explained by him. Only to this extent, the W.P. is allowed and the matter is remanded for reconsideration.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

11-7-2006

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